REMARKS / ARGUMENTS

Claims 25-29 are pending in the present application.

In the Office Action dated February 7, 2007, the Examiner rejected claim 25, the sole independent claim in the application, pursuant to 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,676,284 ("Wynne Willson"). This rejection is respectfully traversed.

Independent claim 25, as amended, recites an illumination device for simulating neon lighting, comprising, *inter alia*, a solid rod-like member composed of a substantially flexible compound, a flexible circuit board received in the rod-like member, and a multiplicity of spaced point light sources arranged in a line along the flexible circuit board. Light enters the rod-like member from the point light sources and is preferentially scattered with light being directed along the predetermined length of the rod-like member while also being urged out a light-emitting surface of the rod-like member, causing a light intensity pattern that is substantially uniform along the light-emitting surface of the rod-like member.

In the Office Action dated February 7, 2007, the Examiner alleges that Wynne Willson discloses a flexible illumination device (FIG. 1), comprising a substantially rod-like member 2 (FIG. 1; col. 10, lines 31 – 34), with the rod-like member 2 composed of a substantially flexible material (FIG. 1; col. 2, lines 28 – 10; col. 10, lines 33 and 34).

Column 10, lines 31 – 34 of the Wynne Willson reference state as follows:

> Referring to FIGS. 1, 2 and 3, apparatus of the invention is shown generally as 1 (and referred to also a "flow light") and comprises an elongate diffuser 2 made of rigid, translucent diffusing plastics material.

Column 2, lines 28 – 10 (which is presumed to refer to lines 28 – 30) state as follows:

> The linear array may be rigid or flexible and is optionally deformable so that it can be deformed into a shape desired by the user.

It is respectfully submitted that neither FIG. 1, nor the passages of Wynne Willson cited in the Office Action and reproduced above, teach or suggest a solid rod-like member composed of a substantially flexible compound, as recited in claim 25 of the present application because: (a) FIG. 1 and the cited passage from column 10 describing FIG. 1 specifically teach that the diffuser is made of rigid material; and (b) the cited passage from column 2 refers to the possible flexibility of a linear array of transmitters (e.g., a string of light-emitting diodes), not the diffuser.

With respect to the FIG. 1 and the cited passage in column 10 describing FIG. 1, it is respectfully submitted that these portions of the Wynne Willson reference not only fail to teach or suggest a rod-like member composed of a substantially flexible compound, but specifically teach that the diffuser of FIG. 1 is made of a rigid material, which is the antithesis of a flexible compound. Indeed, it is readily apparent that the hollow, tubular diffuser 2 of FIG. 1 of the Wynne Willson reference must be made of a rigid material because if such a diffuser was made of a flexible compound, it would likely collapse in on itself due to its hollow (non-solid), thin-walled, tubular structure. The rod-like member of the present invention as recited in claim 25 avoids this issue because it is solid (non-hollow), forming a structure that is capable of flexing without collapsing. Thus, FIG. 1 and the cited passage in column 10 do not teach or suggest the rod-like member composed of a substantially flexible compound, as recited in claim 25, and, in fact, teach away from such a structure.

With respect to column 2, lines 28 – 30, which are reproduced above, this passage describes a linear array of transmitters (e.g., a string of light-emitting diodes) and has no relation

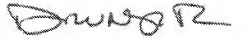
to the diffuser (read in the Office Action as a "rod-like member") of FIG. 1 and the passage from column 10. Specifically, Wynne Willson notes that the plurality of transmitters are arranged in a linear array, which "may be rigid or flexible and is optionally deformable so that it can be deformed into a shape desired by the user." However, the possible flexibility of the linear array of transmitters (e.g., a string of LEDs) has no relevance to the structure of the diffuser, and no explanation is provided as to why one of skill in the art would be motivated to alter the essential structure of the diffuser, from rigid to flexible, just because the linear array of transmitters can be flexible. In short, Wynne Willson simply teaches that a linear array of transmitters (e.g., a string of LEDs), whether rigid or flexible, may be inserted into and received in a rigid diffuser. Wynne Willson does not teach or suggest a rod-like member composed of a substantially flexible compound, as recited in claim 25 of the present application.

Finally, in the Office Action dated February 7, 2007, the Examiner also acknowledges that Wynne Willson discloses two distinct embodiments, the first embodiment being shown and described in connection with FIG. 1, and the second embodiment being shown and described in connection with FIG. 9. However, for the reasons set forth in response to prior Office Actions in prosecuting the present application, Applicants maintain that the second embodiment also fails to teach or suggest a "solid rod-like member," but rather only teaches a hollow construction comprised of a tubular outer diffuser and a tubular inner diffuser.

Thus, Applicants respectfully submit that the neither the embodiment of FIG. 1 nor the embodiment of FIG. 9, however combined, teach or suggest the solid rod-like member composed of a substantially flexible compound, as recited in claim 25, and withdrawal of the rejection is respectfully requested. Claims 26-29 depend from claim 25 and are allowable for at least the

reasons provided in support of the allowability of claim 25.

Respectfully submitted,



David W. Nagle, Jr., Reg. No. 42,923
Jeffrey A. Haeberlin, Reg. No, 40,630
STITES & HARBISON, PLLC
400 W. Market Street
Louisville, Kentucky 40202-3352
Phone (502) 587-3400
Facsimile (502) 587-6391